

Appl. No. 10/663,955
Reply Dated 25 January 2006
Reply to Office Action of 29 November 2005

REMARKS

In the Office Action of 29 November, 2005, the Examiner rejected claims 1 and 19-21 under 35 U.S.C. 102(b) as being anticipated by U.S. Patents 4,382,000 issued Wischaker and 6,257,521 issued to Quay and objected to claims 2-18 and 22. The Examiner's basis for rejection of claims 1 and 19-21 by Wischaker was:

Wischaker teaches a sorption vial with base 20 and opening 16 or 60. A surface of sample vessel 30 in the interior of the sorption vial has an adsorptive coating. A cap 58 closes the sample vessel 30. The cap 58 is selectively connectable to the base 20 by sliding (See, e.g., Figs. 1 and 5). The vial interior (vessel exterior) is coated, the device assembled, the sample is applied to (collected in) the sample vessel 30 while the top of the sample vessel is closed with the cap and the bottom is open, the sample vessel 30 is pushed down, moving the cap relative to the base, allowing solvent to enter while the vial 1 is sealed with the base 20 (instant vial cap). It is the examiner's position that movement of the tube 30 inherently causes agitation and the headspace is inherently exposed to the sorbent. Note that the claims do not require the sorption vial to be inside the sample vessel.

Office Action of 29 November 2005, page 2. The Examiner's basis for rejection of claim 1 by Quay was:

Quay teaches sample vessel 30 with cap 76 connected to the base of open vial 43 having sorbent coating 100 in the interior (Fig. 10).

Office Action of 29 November 2005, page 2.

The rejection should be withdrawn based on amendments to claims 1 and 19 herein.

Claims 1 and 19 as amended are not anticipated by Wischaker. The Examiner argued, inter alia, that Wischaker disclosed a sorption vial 1 which contained a sample vessel 30 therein. Amended Claims 1 and 19 are limited to a sorption vial retained within the sample vessel by the cap during collection and extraction.

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Claim 1 as amended is not anticipated by Quay. The Examiner argued that Quay teaches a sample vessel with cap connected to the base of open vial having sorbent coating 100 in the interior (Fig. 10). Quay is limited to use of a vial open at each end to permit the pulling of a vacuum through the vial. Amended Claim 1 is limited to a sorption vial having a closed vial base.

Applicant therefore believes the amended claims and associated remarks establish the Examiner's rejections have been traversed and that a Notice of Allowance should issue.